

Privacy Principles

West Virginia Executive Branch Privacy Program Principles January 2009

The West Virginia Executive Branch Privacy Program will balance individuals right of privacy against others need and right of access to Personally Identifiable Information (PII). The Privacy Program will be based upon the following six principles, consistent with law and policy:

- **Accountability** – Each Department shall assign roles and responsibilities to ensure application of privacy principles to personally identifiable information (PII).
- **Consent** - Each Department shall provide individuals with a reasonable opportunity to object to the collection, use or disclosure of their Personally Identifiable Information (PII). A Department does not collect, use or disclose PII in a manner inconsistent with its notice, unless it has first obtained the individual's additional consent for the use or disclosure or the additional use is required by law.
- **Individual Rights** – When possible, and appropriate, a Department shall rely first on the personally identifiable information (PII) it collects directly from the individual. An individual should be afforded the ability to access and copy his or her PII that a Department acquires or maintains, request an amendment of the information an entity maintains and, if such amendment is not undertaken, request that the information be notated. Departments shall provide appropriate means of individual redress which include, at a minimum, institutional mechanisms to ensure that individuals have a simple and effective way to have their questions answered and concerns addressed.
- **Minimum Necessary and Limited Use** – Departments shall limit the collection, and disclosure of personally identifiable information (PII) to their legal authority. Additionally, Departments should only collect or disclose those elements of PII that are reasonably needed to accomplish a legitimate Departmental objective, except where law or public policy directs otherwise.
- **Notice** – Departments shall be open regarding the authority for collecting personally identifiable information (PII); the purpose of the collection; the location of the entity maintaining the PII; with whom the PII may be shared and why; rights an individual has in PII; and the Department's policies, procedures, standards, and practices with regard to PII.
- **Security Safeguards** – A Department shall implement the appropriate management, operational, physical and technical controls to preserve the privacy, confidentiality, integrity and accessibility of personally identifiable information (PII). The security safeguards shall be designed to protect the PII from (i) anticipated threats or hazards, and (ii) unauthorized access, use or disclosure. In each case, the Department will strive to provide security that is proportional to the sensitivity of the PII being protected, with the greatest effort being focused on protecting PII from a compromise that could result in substantial harm or inconvenience to the individual.